REGULATION No. VIII OF 1892.

(PASSED ON THE 15TH DAY OF DECEMBER 1892.)

A Regulation to amend the Cattle Trespass Act, 1871, as introduced into Mysore by the Government of India Notification No. 58 J., dated 5th April 1872.

Whereas it is expedient to amend the Cattle Trespass Act, 1871 *, as introduced into Mysore by the Government of India Notification No. 58 J., dated 5th April 1872; His Highness the Maharaja is pleased to enact as follows:—

Substitution of new section for section 1, Act I, 1871.

1. For section 1 of the Cattle Trespass Act, 1871, the following shall be substituted, namely:—

"Title and extent."

"1. (1) This Act may be called The Cattle Trespass Act, 1871; and

(2) It extends to the whole of the territories of Mysore except such local areas as the Government of Mysore, by notification in the official Gazette, may from time to time exclude from its operation.

(3) The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under sub-section (2)."

Addition to section 3, Act I, 1871.

2. To section 3 of the said Act, the following shall be added, namely:—

"and

"'Local authority' means any body of persons for the time being invested by law with the control and administration of any matters within a specified local area, and

"'Local fund' means any fund under the control or management of a local authority."

Substitution for the first paragraph and proviso of section 6.

3. In section 6 of the said Act, for the first paragraph and its proviso the following shall be substituted, namely:—

"The heads of villages shall be *ex officio* keepers of village-pounds:

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* The Cattle Trespass Act, as amended by Regulation VIII of 1892, has been printed in Vol. I of the Mysore Code, at pp. 204 to 215. For certain omissions in this Regulation, *vide* the foot-notes to the Act, in that volume.

"Provided that, where it is deemed necessary, the Magistrate of the District shall be competent to relieve the head of the village of his charge and appoint another instead."

Amendment of section 10, Act I, 1871.

4. In section 10 of the said Act, for the words "take them or cause them to be taken without unnecessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Amendment of section 11, Act I, 1871.

5. In section 11 of the said Act, for the words "take them without unnecessary delay" the words "send them or cause them to be sent within twenty-four hours" shall be substituted.

Additions to section 12, Act I, 1871.

6. (1) To the first paragraph of section 12 of the said Act, prescribing the scale according to which the pound-keeper is to levy a fine for every head of cattle impounded, the following proviso shall be added, namely :—

"Provided that, when it appears to the Government of Mysore from the report of a Magistrate of a district, or on the representation of a local authority, that, in any local area subject to the jurisdiction or control of such Magistrate or authority, cattle are habitually allowed to trespass on land and damage crops or other produce thereon, the Government of Mysore may, by notification in the official Gazette, direct that, for every head of cattle of any kind specified therein which may be seized within such local area and impounded as aforesaid, the pound-keeper shall levy such fine, not exceeding double the fine mentioned in the foregoing scale as may be prescribed in the notification."

(2) After the third paragraph of the same section the following shall be added, namely :—

"The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under the proviso to the first paragraph of this section."

Substitution of new Chapter for Chapter V, Act I, 1871.

7. For Chapter V of the said Act, the following shall be substituted, namely :—

"CHAPTER V.

"COMPLAINTS OF ILLEGAL SEIZURE OR DETENTION.

Power to make complaints.

"20. Any person whose cattle have been seized under this Act, or, having been so seized, have been detained in contravention of this Act, may, at any time within ten days from the date of the seizure, make a complaint to the Magistrate of the District or any

Magistrate authorised to receive and try charges without reference by the Magistrate of the District.

"Procedure on complaint."

"21. The complaint shall be made by the complainant in person, or by an agent personally acquainted with the circumstances. It may be either in writing, or verbal. If it be verbal, the substance of it shall be taken down in writing by the Magistrate.

"If the Magistrate, on examining the complainant or his agent, sees reason to believe the complaint to be well founded, he shall summon the person complained against, and make an enquiry into the case.

"Compensation for illegal seizure or detention."

"22. If the seizure or detention be adjudged illegal, the Magistrate shall award to the complainant, for the loss caused by the seizure or detention, reasonable compensation, not exceeding one hundred rupees, to be paid by the person who made the seizure or detained the cattle, together with all fines paid and expenses incurred by the complainant in procuring the release of the cattle;

"Release of cattle."

and, if the cattle have not been released, the Magistrate shall, besides awarding such compensation, order their release, and direct that the fines and expenses leviable under this Act shall be paid by the person who made the seizure or detained the cattle.

"Recovery of compensation."

"23. The compensation, fines, and expenses mentioned in section 22 may be recovered as if they were fines imposed by the Magistrate."

Amendment of section 25, Act I, 1871.

8. In section 25 of the said Act, the words "under the next following section or" shall be inserted between the words "Any fine imposed" and the words "for the offence of mischief."

Addition to section 26, Act, I, 1871.

9. To section 26 of the said Act, the following shall be added, namely:—

"The Government of Mysore, by notification in the official Gazette, may, from time to time, with respect to any local area specified in the notification, direct that the foregoing portion of this section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification, instead of to pigs only, or as if the words 'fifty rupees' were substituted for the words 'ten rupees' or as if there were both such reference and such substitution.

"The Government of Mysore may at any time, by notification in the official Gazette, cancel or vary a notification under this section."

Sections 10-12.

Addition of new Chapter after Chapter VII, Act I, 1871.

10. After Chapter VII, the following shall be added, namely:—

"CHAPTER VIII.

"SUPPLEMENTAL.

"Power for Government of Mysore to transfer certain functions to local authority and direct credit of surplus receipts to local fund."

"31. The Government of Mysore may, from time to time, by notification in the official Gazette—

(*a*) transfer to any local authority, within any part of the territories under its administration in which this Act is in operation, all or any of the functions of the Government of Mysore or the Magistrate of the District under this Act, within the local area subject to the jurisdiction of the local authority, or

(*b*) direct that the whole or any part of the surplus accruing in any district under section 18 of this Act shall be placed to the credit of such local fund or funds as may be formed for any local area or local areas comprised in that district,

and may, from time to time, by notification in the official Gazette, cancel or vary any notification under this section."

Saving of references.

11. Any enactment or document referring to the Cattle Trespass Act, 1871, shall be construed to refer to the Cattle Trespass Act, 1871, as amended by this Regulation.

Commencement.

12. This Regulation shall come into force on the first day of June 1893.